
(2012) 08 RAJ CK 0147
In the Rajasthan High Court
Case No : Civil Writ Petition No. 9330/12

Heera Lal

APPELLANT

Vs

Smt. Mamta Sanghi and Others

RESPONDENT

Date of Decision : 17-08-2012

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 6 Rule 17

Citation : (2012) 08 RAJ CK 0147

Hon'ble Judges : Bela M. Trivedi, J

Bench : Single Bench

Advocate : G.P. Sharma, for the Appellant;

Final Decision : Dismissed

Judgement

Hon"ble Ms. Justice Bela M. Trivedi

BY THE COURT :

1. The present petition has been filed by the petitioner seeking direction for the expeditious hearing of the suit being No. 53/06 pending before the trial court on the ground that the two applications, one filed under Order VI Rule 17 and the other under Order VIII Rule 1(g) of CPC were pending before the trial court since long and the suit was not being proceeded further. Pursuant to the order dated 2.7.12 passed by this Court, the concerned Judge has sent his remarks vide the letter dated 4.7.12.

2. Heard the Learned Counsel Mr. G.P. Sharma for the petitioner and perused the remarks of the learned Judge, as also the copy of the order-sheets on record.

3. Though the petitioner-plaintiff has raised a grievance that the suit filed by him was not being proceeded further by the trial court and that the two applications were pending since long time without any final decision, it appears from the order-sheets that the matter was being adjourned from time to time at the request of the Learned Counsels for the parties. From the remarks sent by the

learned Judge also it appears that there was no Presiding Officer available for the concerned court from April, 2011 to July, 2011 and the concerned Judge was given the additional charge of the court in which the suit was pending. Under the circumstances, the court is satisfied that the suit was not being proceeded further as the Presiding Officer was not available for some time and because the Learned Counsels for the parties themselves had asked for the adjournments from time to time. Be that as it may, having regard to the nature of suit and the fact that the suit is of 2006, the trial court is expected to decide the suit as expeditiously as possible. With these observations, the petition is dismissed.